

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF
WARRICK COUNTY, INDIANA, ESTABLISHING THE POLICY
BY WHICH MEMBERS OF THE BOARD OF COMMISSIONERS
MAY PARTICIPATE BY ELECTRONIC MEANS OF COMMUNICATION**

WHEREAS, P.L. 88-2021 (HEA 1437), Section 5, amended Ind. Code 5-14-1.5-3.5 of the Indiana Open Door Law to prescribe new requirements by which members of a governing body of a public agency may participate in a meeting by electronic means of communication;

WHEREAS, a member of such governing body may participate by any means of communicate that: (1) allows all participating members of the governing body to simultaneously communicate with each other; and (2) except for a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting;

WHEREAS, Ind. Code 5-14-1.5-3.5(d) requires such governing body to adopt a written policy establishing the procedures that apply to a member's participation in a meeting by electronic means of communication; and

WHEREAS, the Board of Commissioners of Warrick County, in accordance with Ind. Code 5-14-1.5-3.5(d), desires to adopt a policy by which Members of the Board of Commissioners may participate in a meeting by electronic means.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Warrick County, Indiana, that the following constitutes the Policy of the Board of Commissioners for Electronic Participation in Meetings:

Section 1. Title of Policy and Incorporation by Reference.

- (a) This Resolution shall be known as the "Electronic Meetings Policy" of the Board of Commissioners.
- (b) The provisions of Ind. Code 3-14-1.5-1, *et seq.*, including any and all definitions, are hereby incorporated into this Policy by reference.

Section 2. Electronic Participation.

- (a) Subject to Sections 3 and 5, below, any Commissioner may participate in a meeting by any electronic means of communication that:
 - i. Allows all Commissioners to simultaneously communicate with each other; and
 - ii. Except for a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting.
- (b) A Commissioner who participates by an electronic means of communication:

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- i. Shall be considered present for purposes of establishing a quorum; and
 - ii. May participate in final action only if the Commissioner can be seen and heard.
- (c) All votes taken during a meeting in which a Commissioner participates by an electronic means of communication must be taken by roll call vote.

Section 3. Attendance by Electronic Means.

- (a) At least two (2) Commissioners must be physically present at a meeting during which a Commissioner is participating by electronic means of communication. No more than one (1) Commissioner may participate by means of electronic communication at the same meeting.
- (b) A Commissioner shall not attend more than Fifty Percent (50%) of meetings in a calendar year by electronic means of communication, unless the Commissioner's electronic participation is due to:
- i. Military service;
 - ii. Illness or other medical condition;
 - iii. Death of a relative; or
 - iv. An emergency involving actual or threatened injury to persons or property.
- (c) A Commissioner may attend two (2) consecutive meetings by electronic communication. In the event a Commissioner attends two (2) consecutive meetings by electronic communication, said Commissioner must be physically present at the next subsequent meeting, unless the Commissioner's absence is due to:
- i. Military service;
 - ii. Illness or other medical condition;
 - iii. Death of a relative; or
 - iv. An emergency involving actual or threatened injury to persons or property.

Section 4. Electronic Meeting Minutes.

- (a) The minutes of a meeting at which a Commissioner participates by electronic means of communication shall:
- i. Identify each Commissioner who:
 - (1) Was physically present at the meeting;
 - (2) Participated in the meeting by electronic means of communication; and
 - (3) Was absent.
 - ii. Identify the electronic means of communication by which:

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- (1) A Commissioner participated in the meeting; and
- (2) Members of the public attended and observed the meeting if the meeting was not an executive session.

Section 5. Final Action Not Permitted.

- (a) No Commissioner who is participating in a meeting by means of electronic communication shall participate in taking final action if the Board of Commissioners is attempting to take final action to:
 - i. Adopt a budget;
 - ii. Make a reduction in personnel;
 - iii. Initiate a referendum;
 - iv. Impose or increase a fee;
 - v. Impose or increase a penalty;
 - vi. Exercise the governing body's power of eminent domain; or
 - vii. Establish, impose, raise, or renew a tax.

This Resolution shall be effective upon passage.

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Passed and adopted by the Board of Commissioners of Warrick County this 24th day of May, 2021.

WARRICK COUNTY
BOARD OF COMMISSIONERS


Terry J. Phillippe, President

Robert H. Johnson, Jr., Vice President

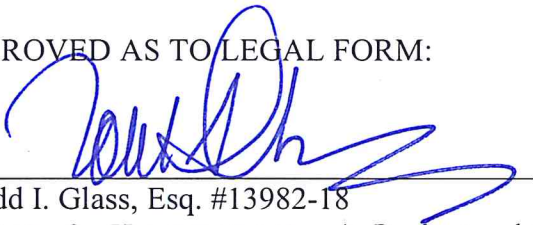
Dan Saylor, Member

ATTEST:



Deborah K. Stevens, Auditor
Warrick County, Indiana

APPROVED AS TO LEGAL FORM:



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